THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

AND

THE HON'BLE SRI JUSTICE D.APPA RAO

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WRIT PETITION No. 9910 OF 2006

Dated 23rd May 2006

Between:

M/s.Lanco Industries Limited, Rachagunneri,

Srikhalahasthi Mandal, Chittoor District.

...Petitioner

and

The Commercial Tax Offcier, Puttur Circle,

Puttur & others.

...Respondents

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O R D E R: (per LNR,J)

The petitioner is manufacturing industry and is assessed to tax, from time to time. In respect of Assessment year 1999-2000, the Deputy Commissioner of Commercial Taxes, Chittoor Division, reopened the assessment, and took the view that the petitioner is liable to pay a substantial amount, over and above what was

paid under the original order of assessment. Aggrieved thereby, the petitioner preferred an appeal, before the Sales Tax Appellate Tribunal. It also filed an application for grant of stay, before the 3rd respondent, as provided for under Section 19 (2-C) of the A.P. General Sales Tax Act. The 3rd respondent rejected the application, through his order dated 26.4.2006. The same is challenged in this writ petition.

Heard the learned counsel for the petitioner and learned Special Government Pleader for Taxes.

Several contentions are advanced on behalf of the petitioner, touching on merits. In view of the fact that the appeal preferred by the petitioner is pending, this court does not intend to deal with the same. The fact, however, remains that the petitioner has already subjected to assessment, and what is in challenge, is the order of revision of the assessment. It is strenuously contended that half of the demanded tax is untenable.

Having regard to the facts and circumstances of the case, this Court is of the view that ends of justice would be met, if the order dated 15.2.2006 is stayed, subject to certain conditions.

Hence, the writ petition is disposed of, directing that there shall be stay of the enforcement of the order dated 15.2.2006, pending the appeal preferred by the petitioner, on condition that it deposits a sum of Rs.45,00,000/- (forty five lakhs only), within six weeks from today. In default, the stay shall stand vacated. There shall be no order as to costs.

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(L.NARASIMHA REDDY, J)

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(D.APPA RAO, J)

Dt. 23.5.2006

Note: Issue C.C. by tomorrow

(B/o)

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